N. J. Eq. 91; *Johnson's Estate,* 201 Pa. St. 513, 51 Atl. 342; 1 ROPER, LEGACIES, 381; GREDEY, EQUITY EVIDENCE, 204; ROOD, WILLS, § 722. All the authorities confine themselves to cases where the purpose is accomplished by the testator himself. But it would seem that there is no reason for a different rule where the purpose is accomplished by another, inasmuch as the testator in specifying a particular purpose must have been controlled by a desire to see that purpose accomplished. The reasoning of the principal case is, that the intent of the testator was primarily to benefit the church, and that such intention would not be defeated by the payment of the debt which, as they say, was only a means chosen by him of benefiting the church. If the court is correct in its assumption that such was the testator's intent then undoubtedly the decision is correct, but it may well be doubted whether the presumed intent is the true purpose of the testator's bounty.

WILLS—DESIGNATION OF DEVISEES.—Under a will devising the property to trustees to pay over one-half of the income to each of two sons of the testator during their lives, and at the death of each to pay one-half the corpus "to the children of my said sons and their heirs," *held,* that an adopted child of one of the sons takes nothing at the death of his foster father. *Parker* v. *Carpenter,* (N. H. 1915) 92 Atl. 955.

The question whether an adopted child will take under a devise or bequest to "child or children" has been passed upon by a number of the courts, and the decisions are apparently in conflict. Those supporting the principal case are *Schafer* v. *Euer,* 54 Pa. 304; *In re Hopkins,* 92 N. Y. Supp. 463, 102 App. Div. 458; *Russell* v. *Russell,* 84 Ala. 48, 3 So. 900; *Lichter* v. *Thiers,* 139 Wis. 481, 121 N. W. 153; *Woodcock's Appeal,* 103 Me. 214, 68 Atl. 821, 125 Am. St. Rep. 291; *Cockran* v. *Cockran,* 43 Tex. Civ. App. 259, 95 S. W. 731; *In re Leask,* 197 N. Y. 193, 90 N. E. 652, 27 L. R. A. (N. S.) 1158. They proceed upon the theory that to allow an adopted child to take would be a fraud upon the testator, inasmuch as the intent of the testator must be taken to be, that only the children of the body should take, laying down the rule that such is the ordinary meaning of the words child or children. Opposed to the above cases are *Bray* v. *Miles,* 23 Ind. App. 432, 54 N. E. 446; *Sewald* v. *Roberts,* 115 Mass. 262; *In re Truman,* 27 R. I. 209, 61 Atl. 598; *In re Olney,* 27 R. I. 495, 63 Atl. 956. These latter courts take the view that, in using the words which he has, the testator intended to benefit all whom the parent should choose to consider as his children, and that by adopting a child the parent has shown that such child is to be treated and considered as a child of his body. There are two possible distinctions in these lines of authority, first on the particular wording of the different statutes of adoption; and again that in all the decisions which harmonize with the principal case the child was adopted subsequent to the making of the will, while in the contrary decisions adoption preceded the making of the will. The latter of these two distinguishing features is not dwelt upon by any of the courts.